

REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 1, 3, 10, 12-14, 17, 21 and 22 presently appear in this application, with claim 21 withdrawn from consideration by the examiner, and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

New claim 22 is being added to recite the preferred functionalization (acylation) deleted from claim 12.

Non-elected claims 4-8, 18 and 20 are cancelled without prejudice to refiling in a divisional application(s). Pursuant to MPEP 821.04, rejoinder of withdrawn process claim 21, which is dependent from elected product claim 1, is requested upon the allowance of an elected product claim.

Claim 1 has been objected to for informalities because the claim recites residue numbers in the text. This objection is obviated by the amendment to claim 1.

Reconsideration and withdrawal of the objection are therefore respectfully requested.

Claims 1, 3, 10-13 and 17 have been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is obviated by the amendment to the claims to insert the term "isolated" and by adding a pharmaceutically acceptable excipient to claim 17.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claim 12 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is obviated by the amendment to claim 12 to delete the phrase "such as".

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1, 3, 10-13 and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by Rathjen et al. (US Patent 5,795,859). The examiner's helpful suggestion for closed claim language that would obviate this rejection is adopted, but with a slight modification for claim 13, where the immunogenic composition is recited as comprising: (a) a peptide consisting of a peptide according to claim 1.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1, 3, 10, 13, 14 and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by Jensen et al. (WO 98/46642). The same amendments to the claims as suggested by the examiner and as discussed above in the immediately preceding §102(b) rejection over Rathjen obviates this rejection as well.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

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Reply to Office Action of December 29, 2009

In view of the above, the claims comply with 35 U.S.C.
§112 and define patentable subject matter warranting their
allowance. Favorable consideration and early allowance earnestly
urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /ACY/
Allen C. Yun
Registration No. 37,971

ACY:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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